

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

M.C.A.NO.934 OF 2015 IN W.P.NO.7267 OF 2014(D).

Shri Nitinkumar jKhushalji Pushpatode and ors. ..vs.. The State of Mah. and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.Nilam Biala, Adv. for the applicants.
Mr.N.S.Rao, AGP for the respondents.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : SEPTEMBER 16, 2015.

Advocate Smt.Biala points out that Writ Petition No.5958 of 2014 and Writ Petition No.7267 of 2014, ordered to be heard together, have been dismissed in default on 22nd of July, 2015. She states that in the circumstances explained in paragraph no.3 of the application she could not remain present. Counsel had filed Counsel Note and was away from Nagpur. Application is supported by personal affidavit. It is within time.

Learned AGP has pointed out that two writ petitions have been dismissed in default and hence two applications should have been filed for restoration.

Though technically learned AGP is correct, as petitions were to be heard together and have been dismissed because of absence of counsel, in the circumstances mentioned supra, we recall order dated 22nd of July, 2015. We grant oral leave of leaned counsel for the applicant to amend prayer clause and title of M.C.A. accordingly.

Amendment be carried out forthwith and additional court fees of Rs.20/- be paid on memo of M.C.A. No.934 of 2015 only.

Subject to such amendment and payment of court fee, Writ Petition No. 7267 of 2014 and Writ Petition No.5958 of 2014 are restored back to file.

JUDGE

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